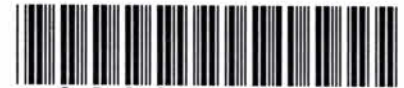


ORIGINAL

COMMISSIONER DUNN PROPOSED AMENDMI



0000180607

DATE PREPARED: June 20, 2017

COMPANY: Arizona Public Service Company

AGENDA ITEM NO.: 1

DOCKET NO: E-01345A-16-0036  
E-01345A-16-0123

SPECIAL OPEN MEETING DATE: June 20, 2017

**PURPOSE:** Dunn Amendment 1 would correct formatting errors and inadvertent sentence fragments. Dunn Amendment 1 would also change certain language to accurately reflect that independent expenditures are not "received," but rather "made on behalf of" a candidate. Dunn Amendment 1 would further correct a factual error with regard to the characterization of APS's marketing and advertising expenditures in the rate case. Finally, Dunn Amendment 1 would add language regarding the standard for evaluating the bias and A.R.S. § 40-252.

**Page 23, Line 5 to Page 25, Line 12**

**FORMAT:**

Text into numbered paragraphs 1 through 21.

Arizona Corporation Commission

DOCKETED

JUN 20 2017

DOCKETED BY

*Ky*

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**Page 13, Line 13**

**DELETE:**

"Commissioner Burns asserts that disqualification is necessary because Commissioners Forese and Little received contributions from independent expenditures in the 2014 Commission elections."

**INSERT:**

"Commissioner Burns asserts that disqualification is necessary because independent expenditures were made on behalf of Commissioners Forese and Little in the 2014 Commission elections."

**Page 13, Footnote 37**

**DELETE:**

"Motion for Disqualification at 11-14. According to the Arizona Secretary of State's website, Chairman Forese received \$290,225 from Save Our Future Now and \$154,197 from Arizona Free Enterprise Club. Commissioner Little received \$291,725 from Save Our Future Now and \$154,197 from Arizona Free Enterprise Club."

**INSERT:**

"Motion for Disqualification at 11-14. According to the Arizona Secretary of State's website, independent expenditures in the amounts of \$290,225 from Save Our Future Now and \$154,197 from Arizona Free Enterprise Club were made on behalf of Chairman Forese. Independent expenditures in the amounts of \$291,725 from Save Our Future Now and \$154,197 from Arizona Free Enterprise Club were made on behalf of Commissioner Little.

**Page 14, Line 3**

**DELETE:**

"Commissioner Burns admits that he also received contributions from Arizona Coalition for Reliable Electricity, but suggests the \$1,324,469 directed in support of his 2016 Commission election was "a crafty, manipulative scheme designed to potentially cast him as a hypocrite in the eyes of voters. . . ."

**INSERT:**

"Commissioner Burns admits that Arizona Coalition for Reliable Electricity made contributions in the amount of \$1,324,469 on his behalf during the 2016 Commission election, but suggests it was "a crafty, manipulative scheme designed to potentially cast him as a hypocrite in the eyes of voters. . . ."

**Page 14, Line 6**

**DELETE:**

"According to the Arizona Secretary of State's website, Commissioner Burns also received \$1,065,383 in independent expenditures directed from Save Our AZ Solar and \$13,697 in independent expenditures directed from SolarCity Corporation, a company that has intervened in prior Commission cases."

**INSERT:**

"According to the Arizona Secretary of State's website, independent expenditures in the amounts of \$1,065,383 from Save Our AZ Solar and \$13,697 from SolarCity Corporation were made on behalf of Commissioner Burns during the 2014 Commission election. SolarCity Corporation has been a party in prior Commission cases and a member of EFCA, an intervenor in the APS rate case."

**Page 14, Footnote 38**

**DELETE:**

“According to the Arizona Secretary of State’s website, Commissioners Tobin and Dunn received \$1,324,468 in independent expenditures from Arizona Coalition for Reliable Electricity, a group funded by Pinnacle West.”

**INSERT:**

“According to the Arizona Secretary of State’s website, independent expenditures in the amount of \$1,324,468 were made by Arizona Coalition for Reliable Electricity, a group funded by Pinnacle West, made on behalf of Commissioners Tobin and Dunn during the 2016 Commission election.”

**Page 24, Line 1**

**DELETE:**

“Commissioner Burns admits that he also received contributions from Arizona Coalition for Reliable Electricity, but suggests the \$1,324,469 directed in support of his 2016 Commission election.”

**INSERT:**

“Commissioner Burns admits that Arizona Coalition for Reliable Electricity made contributions in the amount of \$1,324,469 on his behalf.”

**Page 24, Line 4**

**DELETE:**

“According to the Arizona Secretary of State’s website, Commissioner Burns also received \$1,065,383 in independent expenditures directed from Save Our AZ Solar and \$13,697 in independent expenditures directed from SolarCity Corporation, a company that has intervened in prior Commission cases.”

**INSERT:**

“According to the Arizona Secretary of State’s website, independent expenditures in the amounts of \$1,065,383 from Save Our AZ Solar and \$13,697 from SolarCity Corporation were made on behalf of Commissioner Burns during the 2014 Commission election. SolarCity Corporation has been a party in prior Commission cases and a member of EFCA, an intervenor in the APS rate case.”



**Page 18, Line 4**

**DELETE:**

“APS did not include charitable, political, or lobbying expenditures in its test year expenses and the \$2,600,000 in marketing and advertising expenditures were disallowed.”

**INSERT:**

“APS did not include charitable, political, or lobbying expenditures in its test year expenses.”

**Page 15, Line 14**

**INSERT FOOTNOTE:**

At the end of ‘Commissioner Burns has not demonstrated that disqualification of Chairman Forese and Commissioners Little, Tobin, and Dunn is required.’ add a footnote with the following text:

“Arizona has adopted a combination test for adjudicative officers acting in their legislative capacity. A movant demonstrates bias by showing an “irrevocably closed mind” or by “prejudgment of the specific facts that are at issue.” *Havasu Heights Ranch & Dev. Corp. v. Desert Valley Wood Prods. Inc.*, 167 Ariz. 383, 387 (App. 1990).

**Page 23, Line 5**

**INSERT:** “Furthermore, Commissioner Burns can always move to amend the Decision under A.R.S. § 40-252 following the disposition of the rate case.” Before “Given our dispositions”

<b>THIS AMENDMENT:</b>		
_____ Passed _____	Passed as amended by _____	
_____ Failed _____	_____ Not Offered _____	_____ Withdrawn _____